

REMARKS

In the August 6, 2004 Office Action, claim 10 was withdrawn and claims 1-9, 11-16, 19-31 and 33 stand rejected in view of prior art, while claims 17 and 18 were indicated as containing allowable subject matter. It is noted that claim 32 was listed as rejected in the Office Action Summary but not treated in the Office Action.

Status of Claims and Amendments

In response to the August 6, 2004 Office Action, Applicant has amended claims 1, 2, 8, 13, 17, 19, 22, 23, 28 and 29 as indicated above. New claims 34 and 35 were added to incorporate the indicated allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter. Thus, claims 1-35 are pending, with claims 1, 23 and 34 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Election of Species

In paragraph 1 of the Office Action, Applicant's election without traverse in the reply filed July 1, 2004 was acknowledged. Thus, non-elected claim 10 was withdrawn from further consideration. However, Applicant respectfully requests that non-elected claim 10 be rejoined in this application upon allowance of generic claim 1.

Rejections - 35 U.S.C. § 103

In paragraph 4 of the Office Action, claims 1-9, 11, 13-16, 19-31 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 416,190 (Terry)

in view of U.S. Patent No. 6,024,413 (Dixon et al). In response, Applicant has amended independent claims 1 and 23 as mentioned above.

More specifically, independent claims 1 and 23 now clearly recite that each of the reinforcement members include a *projecting portion* extending inwardly from one of the attachment openings in a radial direction of the rim to an end surface that is spaced radially inwardly of the exterior surface of the spoke attachment portion. The *attachment areas are free of any through openings*, except for the spoke attachment openings. This arrangement is *not* disclosed or suggested by the combination of Terry and Dixon et al. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of a projecting portion extending inwardly from the attachment opening and including a rim facing surface, a peripheral edge and an end surface.

More specifically, if the combination of Terry and Dixon et al was some how modified to meet the claims of the present invention, it would require a complete reconstruction of the device, which would destroy the teachings of the references.

Moreover, Applicant believes that dependent claims 2-22 and 24-33 are also allowable over the prior art of record in that they depend from independent claims 1 and 23, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 1 and 23, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

Double Patenting

In paragraph 7 of the Office Action, claims 1, 4, 6, 11 and 12 stand as provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 7, 17 and 18 of copending Application No. 10/430,396.

In view of the amendments to independent claim 1, it is believed that claims 1, 4, 6, 11 and 12 are patentable over the claims in copending Application No. 10/430,396 without the need for a terminal disclaimer. Withdrawal of the double patenting rejection is respectfully requested.

Allowable Subject Matter

In paragraph 8 of the Office Action, claims 17 and 18 were indicated as containing allowable subject matter. In response, Applicant has added new claims 34 and 35 to incorporate all of the limitations into independent form. Thus, new claims 34 and 35 are believed to be allowable.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

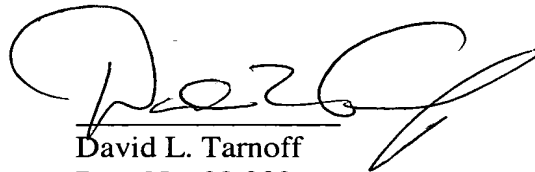
Conclusion

Appl. No. 10/626,731
Amendment dated November 5, 2004
Reply to Office Action of August 6, 2004

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-35 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Of course, if there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Tarnoff', written over a horizontal line.

David L. Tarnoff
Reg. No. 32,383

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: 11-5-04

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